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June 2, 2023

The United States Attorney General and All State Attorneys
General on the Attached Service List A

Re: Notice of Class Action Settlement Pursuant to 28 U.S.C. § 1715, [REDACTED]
[REDACTED]

Dear Mr. or Madam Attorney General,

Pursuant to the requirements of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, we write on behalf of [REDACTED] and [REDACTED] to provide the following notification of the proposed settlements in [REDACTED] (the “Action”).

Plaintiffs filed a motion for preliminary approval of the settlements on May 26, 2023. *See* 28 U.S.C. § 1715(b)(2). Enclosed is a CD containing the following information in PDF format:

1. The Consolidated Amended Complaint, Consolidated Second Amended Complaint, and Consolidated Third Amended Complaint filed in the Action. *See* 28 U.S.C. § 1715(b)(1).
2. Plaintiffs’ Motion for Preliminary Approval of Settlements with Defendants [REDACTED] and the accompanying Declaration of Megan E. Jones in Support and following Exhibit[s] thereto: [REDACTED] Settlement Agreement (Exhibit 1); [REDACTED] Settlement Agreement (Exhibit 2); [REDACTED] Agreement (Exhibit 3). *See* 28 U.S.C. § 1715(b)(4).

In addition to the [REDACTED] Settlement Agreement, plaintiffs and [REDACTED] also executed a Confidential Supplement to that Settlement Agreement. The Confidential Supplemental sets forth certain conditions under which [REDACTED] shall have the option to terminate the settlement and render the settlement agreement void in the event that requests for exclusion from the class exceed certain agreed-upon criteria. Plaintiffs and [REDACTED] agreed to maintain the confidentiality of the agreed-upon

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criteria in the Confidential Supplement, which shall not be disclosed or filed unless required by the District Court.

As of the date of this letter, the District Court has not scheduled any preliminary approval or final approval hearing for the settlements, and has not issued a final judgment or notice of dismissal for [REDACTED] in this Action. Plaintiffs also have not yet filed their proposed notice to the class members with the District Court. [REDACTED] will provide a supplemental letter including copies of those items promptly after they are filed.

Because the Action settled before the parties identified the members of the putative class, it is not possible at this time to identify and provide a list of class members by state of residence, a reasonable estimate of the number of class members residing in each state, or a reasonable estimate of the proportionate share of claims of class members residing in each state to the entire settlement. *See* 28 U.S.C. § 1715(b)(2). Much of this information will become available to Plaintiffs if the court approves the proposed settlements and class members submit proofs of claim.

The foregoing information is provided based on the information currently available to [REDACTED] and is based on the status of the proceedings at the time of the submission of this notification. Should you have any questions, please do not hesitate to contact the undersigned counsel.

Respectfully submitted,

s/Allyson M. Maltas
Allyson M. Maltas
of LATHAM & WATKINS LLP

Counsel for [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Counsel for [REDACTED]

June 2, 2023
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Counsel for



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October 28, 2020

VIA CERTIFIED MAIL

Attorney General Jason Ravnsborg
Office of the Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501

Re: CAFA Notice for the Proposed Class Action Settlement with Class Plaintiffs

Dear Attorney General:

This Notice is sent on behalf of defendant [REDACTED] in accordance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1711 *et seq.*, to inform you that a proposed class action settlement has been filed with the Court in the above-titled matter, on October 23, 2020.

Plaintiffs [REDACTED]

[REDACTED] (collectively, the “Plaintiffs”) filed a putative class action lawsuit alleging a violation of Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiffs allege, among other things, that Defendants [REDACTED] entered into a contract, combination or conspiracy in restraint of trade, the purpose and effect of which was to suppress competition and to pay depressed prices to the Settlement Class for [REDACTED] during the Class Period. [REDACTED] has denied and continues to deny each and all of the claims and contentions alleged in the Action, or that could have been alleged in the Action, and would assert numerous defenses to Plaintiffs’ claims if required to do so.

The proposed settlement class consists of: “All persons or entities in the United States who sold [REDACTED] to any of the Defendants, including their subsidiaries or joint-ventures, from January 1, 2014 through December 31, 2019 (the “Class Period”). Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this Class are any

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federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any co-conspirator identified in this action.” Settlement Agreement at I.A.

Compliance with 28 U.S.C. § 1715

Enclosed please find a CD containing the materials requested by 28 U.S.C. § 1715(b).

1. **28 U.S.C. § 1715(b)(1) – A copy of the complaint and any materials filed with the complaint and any amended complaints:** Copies of the original Class Action Complaint and Demand for Jury Trial [Dkt. No. 1], Amended Class Action Complaint and Demand for Jury Trial [Dkt. No. 120], Second Amended Class Action Complaint and Demand for Jury Trial [Dkt. No. 148] are included on the attached CD.
2. **28 U.S.C. § 1715(b) – Notice of any scheduled judicial hearing:** The Court has not yet set Plaintiffs’ motion for preliminary approval of the settlement with [REDACTED] for a hearing. The Court could set a hearing on that motion at any time. In order to monitor the Court’s schedule for hearing dates and changes to hearing dates, you may find scheduling information by visiting the “CM/ECF” online docket for the above-captioned case at <https://ecf.vaed.uscourts.gov/cgi-bin/DktRpt.pl>.
3. **28 U.S.C. § 1715(b)(3) – Any proposed or final notification to class members:** Plaintiffs have not yet filed a proposed notification to class members. The proposed notice plan with provisions for opt outs and objections, if any, will be filed with the Court via “CM/ECF” online docket for the above-captioned case at <https://ecf.vaed.uscourts.gov/cgi-bin/DktRpt.pl>.
4. **28 U.S.C. § 1715(b)(4) – Any proposed or final class action settlement:** A copy of the Settlement Agreement between Plaintiffs and [REDACTED] (“Agreement”), executed on October 23, 2020, is included on the enclosed disc.
5. **28 U.S.C. § 1715(b)(5) – Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants:** Plaintiffs and [REDACTED] have entered a Confidential Side Letter agreement (“Confidential Side Letter”), executed on October 23, 2020, with respect to certain cooperation that [REDACTED] will provide to Plaintiffs. Upon written request, [REDACTED] will provide a copy of the Confidential Side Letter to your office on a confidential basis. Please let us know if you would like a copy.
6. **28 U.S.C. § 1715(b)(6) – Any final judgment or notice of dismissal:** There is no final judgment or notice of dismissal at this time.

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7. 28 U.S.C. § 1715(b)(7)(A)-(B) – a reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement:

It is not feasible to provide the information requested in subsection 7(A) at this time. Although [REDACTED] only purchased [REDACTED] in Alabama, Florida and Georgia, the proposed settlement class includes individuals and entities that sold [REDACTED] not only to [REDACTED], but also to other Defendants who purchased [REDACTED] in those states and possibly also in other states. Accordingly, [REDACTED] does not know the names of the class members who reside in each state or the estimated proportionate share of the claims of such class members. The names and state residences of the class members will not be known until after notice of the settlement is given and potential class members decide whether to participate in the settlement and submit claim forms. As such, it is not feasible at this time to provide a list of class member names by state of residence. If the settlement is approved, class members that properly submit claim forms shall receive their pro rata share of the settlement fund.

8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described under subparagraphs (3) through (6): There are no judicial opinions relating to the materials described in 28 U.S.C. § 1715(b)(3) through (6) at this time.

Any materials relating to the proposed settlement that are filed after the service of this notice can be found by visiting the “CM/ECF” online docket for the above-captioned case at <https://ecf.vaed.uscourts.gov/cgi-bin/DktRpt.pl>.

Please do not hesitate to contact me with any questions you may have regarding these materials.

Sincerely,



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January 16, 2019

BY U.S. MAIL

SEE ATTACHED SERVICE LIST

Re: Notice of Proposed Class Action Settlement:

[REDACTED]
[REDACTED]

Dear Sir or Madam:

We write on behalf of [REDACTED] and [REDACTED] (collectively “[REDACTED]”), which are defendants in the above-captioned class action lawsuit pending in the United States District Court for the [REDACTED]. Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), specifically 28 U.S.C. § 1715, [REDACTED] hereby provides notice that a proposed class action settlement with a putative plaintiff class has been filed with the Court in this matter. In accordance with its obligations under 28 U.S.C. § 1715(b), [REDACTED] provides the enclosed documents identified below, and advises as follows:

1. Copy of the complaint, all materials filed with the complaint, and any amended complaints.

The enclosed CD contains publicly available copies of Plaintiffs’ original and amended complaints. The password for the CD is NxG8fZPx2H9p. Sealed versions of the complaints may be accessed only if you file a motion with the Court and are permitted to review those materials.

2. Notice of any scheduled judicial hearing.

The Court has not yet scheduled a hearing to consider Plaintiffs’ motion for preliminary approval of the proposed settlement. No final approval hearing dates have been set. Please note that other hearings may be scheduled, but you will not receive any further notice, other than this document, regarding the scheduling of any of the hearings referenced in this paragraph.

3. Any proposed or final notification to class members.

No such notification is presently available beyond the notifications referenced in the Stipulation and Agreement of Settlement, which is included on the CD enclosed with this letter.

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4. Any proposed or final class action settlement.

A copy of the Stipulation and Agreement of Settlement is included on the CD enclosed with this letter.

5. Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants.

No other settlement or agreement has been contemporaneously made between counsel for the putative plaintiff class and counsel for [REDACTED].

6. Any final judgment or notice of dismissal.

Final judgment has not yet been entered as to the proposed class settlement with respect to the putative class.

7. Class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement.

[REDACTED] advises that it is not feasible at the present time to provide the names (or number) of class members of the proposed settlement class who reside in each State or the estimated proportionate share of the claims of such members to the entire settlement. That information will not be known until after notice of the settlement is given and eligible class members submit claim forms. Pursuant to the terms of the settlement agreement, monetary relief will be available to eligible class members who properly submit claims and supporting documentation. And the amount of each class member's recovery will be determined by a plan of allocation that has not yet been submitted to the Court for approval. As a result, [REDACTED] is unable at this time, and absent completion of the contemplated claims processes, to provide a reasonable estimate of the number of settlement class members residing in each State or the estimated proportionate share of the claims of such members. Upon the conclusion of the claims processes, the names (or number) of the class members per State and the estimated proportionate share of their claims will be available, if requested by you, from the claims administrator.

8. Any written judicial opinion relating to the materials described in item numbers 3–6.

There are no written judicial opinions relating to the materials described in item numbers 3-6.

[REDACTED] submits this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the proposed class action settlements until at least 90 days after service of this notice.

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If you have any questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact the counsel listed below.

Sincerely,



Britt M. Miller
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Counsel for [REDACTED] *and* [REDACTED]

Enclosures

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January 16, 2019
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Page 13

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Director, Litigation Division
Office of the Comptroller of the Currency
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October 26, 2015

BY U.S. MAIL

Hon. Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington D.C., 20530-0001

The State Attorneys General/Regulatory Authorities
(identified on the attached Schedule A)

Re: Notice of Proposed Class Action Settlement:

Dear Sir or Madam:

We write on behalf of [REDACTED] and [REDACTED] (collectively [REDACTED]), which are defendants in the above-captioned class action lawsuit pending in the [REDACTED] (the "Court"). Pursuant to the Class Action Fairness Act of 2005 ("CAFA"), specifically 28 U.S.C. § 1715, [REDACTED] hereby provides notice that a proposed class action settlement with a putative plaintiff class has been filed with the Court in this matter. In accordance with its obligations under 28 U.S.C. § 1715(b), [REDACTED] provides the enclosed CD-ROM, which includes copies of the documents identified below, and advises as follows:

1. **Copy of the complaint, all materials filed with the complaint, and any amended complaints.**
 - Plaintiffs' Consolidated Class Action Complaint; and
 - Plaintiffs' Second Consolidated Class Action Complaint.
2. **Notice of any scheduled judicial hearing.**

The Court has not yet scheduled a hearing to consider plaintiffs' motion for preliminary approval of the proposed settlements. No final approval hearing dates have been set. Please note that other hearings may be scheduled, but you will not receive any further notice, other than this document, regarding the scheduling of any of the hearings referenced in this paragraph.

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3. Any proposed or final notification to class members of a proposed settlement.

A copy of the proposed notice to class members is attached as Exhibit A-1 to the Stipulation and Agreement of Settlement with [REDACTED] and [REDACTED] (enclosed herewith).

4. Any proposed or final class action settlement.

A copy of the Stipulation and Agreement of Settlement with [REDACTED] and [REDACTED] is included on the enclosed CD-ROM.

5. Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants.

No other settlement or agreement has been contemporaneously made between counsel for the putative plaintiff class and counsel for [REDACTED].

6. Any final judgment or notice of dismissal.

Final judgment has not yet been entered as to the proposed class settlement with respect to the putative class.

7. Class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement.

[REDACTED] advises that it is not feasible at the present time to provide the names (or number) of class members of the proposed settlement class who reside in each State or the estimated proportionate share of the claims of such members to the entire settlement. That information will not be known until after notice of the settlement is given and eligible class members submit claim forms. Pursuant to the terms of the settlement agreement, monetary relief will be available to eligible class members who properly submit claims and supporting documentation. And the amount of each class member's recovery will be determined by a plan of allocation that has not yet been submitted to the Court for approval. As a result, [REDACTED] is unable at this time, and absent completion of the contemplated claims processes, to provide a reasonable estimate of the number of settlement class members residing in each State or the estimated proportionate share of the claims of such members. Upon the conclusion of the claims processes, the names (or number) of the class members per State and the estimated proportionate share of their claims will be available, if requested by you, from the claims administrator.

8. Any written judicial opinion relating to the materials described in item numbers 3–6.

There are no written judicial opinions relating to the materials described in item numbers 3-6.

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██████ submits this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the proposed class action settlements until at least 90 days after service of this notice. If you have any questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact the counsel listed below.

Sincerely,



Britt M. Miller
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
Tel: (312) 701-8663
Fax: (312) 706-8763

Counsel for ██████████ *and* ██████████

Enclosures

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June 20, 2014

BY U.S. MAIL

The Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington D.C., 20530-0001

The State Attorneys General
(identified on the attached Schedule A)

Re: Notice of Proposed Class Action Settlements: [REDACTED]

Dear Sir or Madam:

We write on behalf of [REDACTED] and [REDACTED], which are defendants in the above-captioned class action lawsuits pending in the United States District Court for the [REDACTED] (the "Court"). Pursuant to the Class Action Fairness Act of 2005 ("CAFA"), specifically 28 U.S.C. § 1715, [REDACTED] hereby provide notice that proposed class action settlements with three putative plaintiff classes have been filed with the Court in this matter.¹ In accordance with their obligations under 28 U.S.C. § 1715(b), [REDACTED] provide the enclosed CD-ROM, which includes copies of the documents identified below, and advise as follows:

- 1. Copy of the complaint, all materials filed with the complaint, and any amended complaints.**

As Exhibits 1-61, please find copies of:

- [REDACTED] **Plaintiffs (Exhibits 1-14):** (1) the original and amended complaints filed by individual named plaintiffs [REDACTED]

¹ [REDACTED] is a named defendant in only two of the putative class actions—the [REDACTED] and the [REDACTED]—and thus is a party to only those two settlements.

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[REDACTED] (2) the Consolidated Amended Class Action Complaint filed by the [REDACTED] on May 14, 2012 (adding [REDACTED] as a named plaintiff); and (3) the Second Consolidated Amended Class Action Complaint filed by the [REDACTED] on June 20, 2013.

- [REDACTED] *Plaintiffs (Exhibits 15-21)*: (1) the original and amended complaints filed by individual named plaintiffs [REDACTED]; (2) the [REDACTED] Consolidated Class Complaint filed on May 14, 2012; and (3) the [REDACTED] Second Consolidated Class Action Complaint filed on July 17, 2013.
- [REDACTED] *Plaintiffs (Exhibits 22-64)*: (1) the original and amended complaints filed by individual named plaintiffs [REDACTED]; (2) the Consolidated Amended Class Action Complaint filed by the [REDACTED] Plaintiffs on May 14, 2012; (3) the Second Consolidated Amended Class Action Complaint filed by the [REDACTED] Plaintiffs on June 20, 2013; and (4) the [REDACTED] Plaintiffs' Corrected Third Amended Consolidated Class Action Complaint filed on April 10, 2014.

2. Notice of any scheduled judicial hearing.

The Court has scheduled a hearing to consider all three plaintiff groups' motions for preliminary approval of the proposed settlements for July 1, 2014 at 11:00 a.m. Eastern. No final approval hearing dates have been set. Please note that other hearings may be scheduled, but you will not receive any further notice, other than this document, regarding the scheduling of any of the hearings referenced in this paragraph.

3. Any proposed or final notification to class members of a proposed settlement.

A copy of the proposed notice to potential [REDACTED] Plaintiff class members is attached as Exhibit C to the Settlement Agreement Between the [REDACTED] Plaintiff Class and Defendant [REDACTED] (Exhibit 65, hereto). Pursuant to their respective settlement agreements, the [REDACTED] Plaintiffs and the [REDACTED] Plaintiffs must file with the Court, within a

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reasonable period of time following preliminary approval, motions seeking authorization to disseminate notice of their respective settlements to potential class members. Those motions will include a proposed form of, method for, and date of dissemination of notice. As such, as of the date of the mailing of this notice, neither the [REDACTED] Plaintiffs nor the [REDACTED] Plaintiffs have proposed, and the Court has not yet finalized, the notices of settlement to be disseminated to potential class members.

4. Any proposed or final class action settlement.

On June 11, 2014, the [REDACTED] Plaintiffs filed a Motion for Preliminary Approval of Proposed Settlement with Defendant [REDACTED] and for Authorization to Disseminate Notice to the Settlement Class and a Memorandum of Law in Support. That Motion and Memorandum of Law are included as Exhibit 65 on the enclosed CD-ROM. In addition, the [REDACTED] Plaintiff Settlement Agreement and exhibits thereto are attached as exhibits to the Motion and Memorandum of Law.

On June 13, 2014, the [REDACTED] Plaintiffs filed a Motion for Preliminary Approval of Proposed Settlement with Defendants [REDACTED] and Provisional Certification of a Settlement Class and a Memorandum of Law in Support. That Motion and Memorandum of Law are included as Exhibit 66 on the enclosed CD-ROM. In addition, the [REDACTED] Plaintiff Settlement Agreement and exhibits thereto are attached as exhibits to the Motion and Memorandum of Law.

On June 10, 2014, the [REDACTED] Plaintiffs filed a Motion for Preliminary Approval of Proposed Settlement with Defendants [REDACTED] and Provisional Certification of a Settlement Class and a Memorandum of Law in Support. That Motion and Memorandum of Law are included as Exhibit 67 on the enclosed CD-ROM. In addition, the [REDACTED] Plaintiff Settlement Agreement and exhibits thereto are attached as exhibits to the Motion and Memorandum of Law.

5. Any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants.

Confidential side letter agreements have been executed between the parties to each of the three settlements. See Paragraph 9 of all three agreements and Paragraph 22 of the [REDACTED] and [REDACTED] agreements. These side letter agreements concern the criteria that must be met in connection with any exclusions from the settlements in order to trigger the defendants' options to terminate the settlement agreements as well as, in the case of the [REDACTED] and [REDACTED] the timing of certain of [REDACTED]

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Page 4

cooperation obligations. Pursuant to the terms of the settlement agreements, the confidential side letter agreements are available only to the Court, and in that case, only if the document is filed and maintained under seal. No other settlement or agreement has been contemporaneously made between counsel for the three putative plaintiff classes and counsel for [REDACTED] other than escrow agreements created in connection with the settlements to hold the settlement proceeds.

6. Any final judgment or notice of dismissal.

Final judgment has not yet been entered as to the proposed class settlement with respect to any of the three putative classes.

7. Class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement.

[REDACTED] advise that it is not feasible at the present time to provide the names (or number) of class members of any of the three proposed settlement classes who reside in each State or the estimated proportionate share of the claims of such members to the entire settlement. That information will not be known until after notice of the settlements is given and eligible class members submit claim forms. Pursuant to the terms of the settlement agreements, monetary relief will be available to eligible class members who properly submit claims and supporting documentation. And the amount of each class member's recovery will be determined by plans of allocation that have not yet been submitted to the Court for approval. As a result, neither [REDACTED] is able at this time, and absent completion of the contemplated claims processes, to provide a reasonable estimate of the number of settlement class members residing in each State or the estimated proportionate share of the claims of such members. Upon the conclusion of the claims processes, the names (or number) of the class members per State and the estimated proportionate share of their claims will be available, if requested by you, from the claims administrators.

8. Any written judicial opinion relating to the materials described in item numbers 3-6.

The [REDACTED] issued an Order Approving Distributions from Stock and Warrant Reserve to Facilitate Settlement of Antitrust Actions. See Exhibit 68, hereto. There are no written judicial opinions relating to the materials described in item numbers 3-6.

An index of the above-referenced exhibits is attached hereto as Schedule B.

Attorneys General
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[REDACTED] submit this notice in a good faith effort to comply with any obligations they may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the proposed class action settlements until at least 90 days after service of this notice. If you have any questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the above-listed materials, please contact the counsel listed below.

Sincerely,



Britt M. Miller
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Counsel for [REDACTED]

[REDACTED]

Counsel for [REDACTED]

Enclosures